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KYSC1975-SC-0186-02

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{134943}{54-130315:082455}{042176}

REPLY BRIEF (P)

SUPREME COURT OF KENTUCKY

75-186

STONEWALL INSURANCE COMPANY

APPELLANT

VS. RESPONSE TO PETITION FOR RE-HEARING OF APPEAL
 FROM JEFFERSON CIRCUIT COURT
 COMMON PLEAS BRANCH - SEVENTH DIVISION
 HON. THOMAS A. BALLANTINE, JR., JUDGE
 CIVIL ACTION NO. CR 184222

BERNARD T. KROMENACKER

APPELLEE

* * *

ARGUMENT

Rule 1.350 (B) of the Supreme Court of Kentucky states
that:

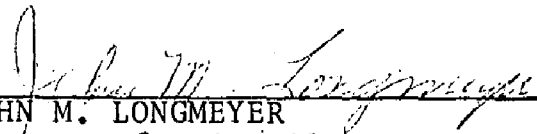
"Except in extraordinary cases when justice demands it, a petition for rehearing shall be limited to a consideration of the issues argued on the appeal and will be granted only when it appears that the Court has overlooked a material fact in the record, or a controlling statute or decision, or has misconceived the issues presented on the appeal or the law applicable thereto."

In his Petition for Re-Hearing, Appellant has not alleged that the Court overlooked a material fact in the record, or a controlling statute or decision or has misconceived the issues presented in the original appeal or the law applicable thereto. Nor has the Appellant alleged that the Court consider any issues other than those argued in the original appeal.


The two questions presented in the Petition for Re-Hearing were considered in the original appeal. No new cases or statutes are cited by the Appellant.

Counsel for Appellee denies yelling anything at any time during the Trial, as alleged by Appellant's Counsel in his Petition for Re-Hearing and respectfully request the Court to dismiss the Petition for Re-Hearing. All points raised in the Petition for Re-Hearing were briefed in the original appeal.

Respectfully submitted,


JOHN M. LONGMEYER
Attorney for Appellee
709 Kentucky Home Life Bldg.
Louisville, Kentucky 40202

It is hereby certified that a
copy of the foregoing was this
21st day of April, 1976, mailed
to Mr. Robert J. Beale, Attor-
ney for Appellant, 1205 Kentucky
Home Life Building, Louisville,
Kentucky 40202.


JOHN M. LONGMEYER.